

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Maurizio GALIMBERTI et al.	)	Group Art Unit: 1791
	)	
Application No.: 10/561,866	)	Examiner: MAKI, Steven D.
	)	
Filed: June 30, 2006	)	Confirmation No.: 3062
	)	
For: TYRE FOR VEHICLE WHEELS	)	
WITH TREAD BAND OF CAP	)	VIA EFS WEB
AND BASE CONSTRUCTION	)	

**Mail Stop: Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign patent and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

The following is a concise statement of relevance of the non-English language documents.

1. **JP 1-109107:** An English language Japio abstract of this document accompanies this disclosure.
2. **JP 3-169713:** An English language Japio abstract of this document accompanies this disclosure.
3. **JP 2002-347410:** An English machine translation and an English language JPO abstract of this document accompany this disclosure.
4. **JP 2000-71716:** An English language JPO abstract of this document accompanies this disclosure.
5. **JP 2002-316512:** An English language JPO abstract of this document accompanies this disclosure.
6. **JP 59008503:** An English language Japio abstract of this document accompanies this disclosure.

7. **JP 62143705:** An English language Japio abstract of this document accompanies this disclosure.

8. **WO 02/10269 A2:** This document is believed to be related to U.S. Patent No. 7,199,175.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 21, 2009

By: 

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